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July 6, 2021

Via ECF

and Email: CronanNYSChambers@nysd.uscourts.gov

Hon. John P. Cronan
United States District Court
Southern District of New York
500 Pearl Street, Room 1320
New York, NY 10007

Re: Case No. 20-CV-1213

**Live Brands Holdings, LLC v. Gastronomico Gracias a Dios, Sociedad
Responsabilidad Limitada de Capital Variable; Xaime Niembro
Alvarez; Pablo Lopez Vargas; Jose Enrique Jimenez Barcenaz; and
Oscar Hernandez Santiago
Our File No.: 20-1282**

Dear Judge Cronan:

I represent the Plaintiff, Live Brands Holdings, LLC, in the referenced case. In compliance with this Court's Order (Dkt. 35) dated December 28, 2020, I provide the following status of the service of process on the defendants:

Under the Hague Service Convention, each contracting state is required to designate a central authority to accept incoming requests for service. A judicial officer who is competent to serve process in the state of origin is permitted to send a request for service directly to the central authority of the state where service is to be made. Upon receiving the request, the central authority in the receiving state arranges for service in a manner permitted within the receiving state, typically through a local court. Once service is effected, the central authority sends a certificate of service to the judicial officer who made the request. The following is a link to the [Full text of the Convention](#).

Mr. Eduardo Dueñas Arias, counsel retained by the Plaintiff in Mexico, advises that the central authority in Mexico accepted the request for service of process on December 16, 2020. A copy of this acceptance has been provided to me. As of the date of this letter, the central authority in Mexico has not sent a certificate of service to the

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undersigned counsel, certifying that service has been effected on any of the defendants. Plaintiff, however, may move for a default against the defendants upon the expiration of six months after the transmission of the service request to the Mexican central authority pursuant to Article 15 of the Hague Convention. See, e.g., *Vallourec Tubos do Brasil S.A. v. PDVSA Services, Inc.*, 2018 WL 6928292, at *1 (S.D. Tex. Dec. 10, 2018), report and recommendation adopted, 2019 WL 93387 (S.D. Tex. Jan. 3, 2019). Plaintiff will file a motion seeking a default within the next ten days due to the failure of defendants to file an answer.

Once again, on behalf of the Plaintiff, I appreciate the Court's patience. Please do not hesitate to contact me with questions or concerns.

Respectfully,



John D. Goldsmith

/JDG